

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WAYNE SYMMONDS,

Plaintiff,

v.

SGT. JAMES GOODWIN,

Defendant.

CASE NO. C15-5535BHS-DWC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 37), and Plaintiff Wayne Symmonds’s (“Symmonds”) objections to the R&R (Dkt. 38).

On September 7, 2016, Judge Christel issued the R&R recommending that the Court grant Defendant James Goodwin’s (“Goodwin”) motion for summary judgment because Symmonds failed to submit sufficient evidence to create material questions of fact on his claims. Dkt. 37. On September 15, 2016, Symmonds filed objections. Dkt. 38.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Symmonds has failed to file proper objections. Instead, Symmonds
4 claims that he has done everything that needs to be done for the Court to grant relief on
5 his claims and that the Court should order Goodwin to reimburse Symmonds for the
6 confiscated envelopes and the costs of suit. Dkt. 38. Symmonds, however, failed to file
7 any evidence to support his claims beyond his signed complaint. Judge Christel
8 considered all the evidence in the record, including the complaint, and concluded that no
9 questions of fact existed on Symmonds's First or Fourteenth Amendment claims. The
10 Court agrees. Therefore, the Court having considered the R&R, Symmonds's objections,
11 and the remaining record, does hereby find and order as follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) Goodwin's motion for summary judgment (Dkt. 30) is **GRANTED**; and
- 14 (3) The Clerk shall enter **JUDGMENT** for Goodwin and close this case.

15 Dated this 3rd day of November, 2016.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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